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STATUTORY INSTRUMENTS

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**2013 No. 376**

**The Universal Credit Regulations 2013**

**PART 1**

**INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as the Universal Credit Regulations 2013 and come into force on 29th April 2013.

**Interpretation**

2. In these Regulations—

“the Act” means the Welfare Reform Act 2012;

“additional statutory paternity pay” means additional statutory paternity pay under Part 12ZA of the Contributions and Benefits Act <sup>M1</sup>;

[<sup>F1</sup>“adopter” has the meaning in regulation 89(3)(a);]

“attendance allowance” means—

- (a) an attendance allowance under section 64 of the Contributions and Benefits Act;
- (b) an increase of disablement pension under section 104 or 105 of that Act (increases where constant attendance needed and for exceptionally severe disablement);
- (c) <sup>F2</sup> .....
- (d) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 <sup>M2</sup> or any analogous payment;
- (e) any payment based on the need for attendance which is paid as an addition to a war disablement pension;
- (f) [<sup>F3</sup>armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;]

“bereavement allowance” means an allowance under section 39B of the Contributions and Benefits Act <sup>M3</sup>;

“care leaver” has the meaning in regulation 8;

“carer's allowance” means a carer's allowance under section 70 of the Contributions and Benefits Act <sup>M4</sup>;

“carer element” has the meaning in regulation 29;

“childcare costs element” has the meaning in regulation 31;

“child element” has the meaning in regulation 24;

“close relative”, in relation to a person, means—

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(a) a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother or sister; and

(b) if any of the above is a member of a couple, the other member of the couple;

“confinement” has the meaning in regulation 8;

“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 <sup>M5</sup>;

“course of advanced education” has the meaning in regulation 12;

“disability living allowance” means an allowance under section 71 of the Contributions and Benefits Act;

“earned income” has the meaning in Chapter 2 of Part 6;

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006 <sup>M6</sup>;

“employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 <sup>M7</sup> as amended by Schedule 3 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (removing references to an income-related allowance);

“ESA Regulations” means the Employment and Support Allowance Regulations 2013 <sup>M8</sup>;

“expected number of hours per week” has the meaning in regulation 88;

“foster parent” means—

(a) in relation to England, a person with whom a child is placed under the Fostering Services Regulations 2011 <sup>M9</sup>;

(b) in relation to Wales, a person with whom a child is placed under the Fostering Services (Wales) Regulations 2003 <sup>M10</sup>;

(c) in relation to Scotland, a foster carer or kinship carer with whom a child is placed under the Looked After Children (Scotland) Regulations 2009 <sup>M11</sup>;

“grant” has the meaning in regulation 68;

“health care professional” means (except in regulation 98)—

(a) a registered medical practitioner;

(b) a registered nurse; or

(c) an occupational therapist or physiotherapist registered with a regulatory body established by Order in Council under section 60 of the Health Act 1999 <sup>M12</sup>;

“housing costs element” has the meaning in regulation 25;

“individual threshold” has the meaning in regulation 90(2);

“industrial injuries benefit” means a benefit under Part 5 of the Contributions and Benefits Act;

“ITEPA” means the Income Tax (Earnings and Pensions) Act 2003 <sup>M13</sup>;

“jobseeker's allowance” means an allowance under the Jobseekers Act 1995 <sup>M14</sup> as amended by Part 1 of Schedule 14 to the Act (removing references to an income-based allowance);

“local authority” means—

(a) in relation to England, a county council, a district council, a parish council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council, a county borough council or a community council;

(c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 <sup>M15</sup>;

- “LCW element” and “LCWRA element” have the meaning in regulation 27;
- “looked after by a local authority” in relation to a child or young person means a child or young person who is looked after by a local authority within the meaning of section 22 of the Children Act 1989<sup>M16</sup> or section 17(6) of the Children (Scotland) Act 1995<sup>M17</sup>;
- “maternity allowance” means a maternity allowance under section 35 of the Contributions and Benefits Act;
- “Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations 1976<sup>M18</sup>;
- “national insurance contribution” means a contribution under Part 1 of the Contributions and Benefits Act;
- “ordinary statutory paternity pay” means ordinary statutory paternity pay under Part 12ZA of the Contributions and Benefits Act;
- “paid work” means work done for payment or in expectation of payment and does not include being engaged by a charitable or voluntary organisation, or as a volunteer, in circumstances in which the payment received by or due to be paid to the person is in respect of expenses;
- “partner” means (except in regulation 77) the other member of a couple;
- “personal independence payment” means an allowance under Part 4 of the Welfare Reform Act 2012;
- “prisoner” means—
- (a) a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
  - (b) is on temporary release in accordance with the provisions of the Prison Act 1952<sup>M19</sup> or the Prisons (Scotland) Act 1989<sup>M20</sup>,
- other than a person who is detained in hospital under the provisions of the Mental Health Act 1983<sup>M21</sup> or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>M22</sup> or the Criminal Procedure (Scotland) Act 1995<sup>M23</sup>;
- “qualifying young person” has the meaning in regulation 5;
- “redundancy” has the meaning in section 139(1) of the Employment Rights Act 1996<sup>M24</sup>;
- “registered as blind” means registered as blind—
- (a) in a register compiled by a local authority under section 29 of the National Assistance Act 1948<sup>M25</sup>; or
  - (b) in a register maintained by or on behalf of a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994<sup>M26</sup> in consequence of having been certified as blind;
- “regular and substantial caring responsibilities for a severely disabled person” has the meaning in regulation 30;
- “relevant childcare” has the meaning in regulation 35;
- “responsible for a child or qualifying young person” has the meaning in regulation 4;
- “statutory adoption pay” means a payment under Part 12ZB of the Contributions Benefits Act<sup>M27</sup>;
- “statutory maternity pay” means a payment under Part 12 of the Contributions and Benefits Act;
- “statutory sick pay” means a payment under Part 11 of the Contributions and Benefits Act;

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“student loan” has the meaning in regulation 68;

“terminally ill” means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 6 months;

“total outstanding reduction period” has the meaning in regulation 101(5);

“trade dispute” has the meaning in section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>M28</sup>;

“unearned income” has the meaning in Chapter 3 of Part 6;

“war disablement pension” means any retired pay, pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of ITEPA;

“weekly earnings” has the meaning in regulation 90(6);

“widowed mother's allowance” means an allowance under section 37 of the Contributions and Benefits Act;

“widowed parent's allowance” means an allowance under section 39A of the Contributions and Benefits Act <sup>M29</sup>;

“widow's pension” means a pension under section 39 of the Contributions and Benefits Act.

#### Textual Amendments

- F1** Words in reg. 2 inserted (29.4.2013) by [The Universal Credit \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/803\)](#), regs. 1, **2(2)**
- F2** Words in reg. 2 omitted (29.10.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(b), **3(2)**
- F3** Words in reg. 2 inserted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), regs. 2(2), 7, **Sch. para. 54(2)**

#### Marginal Citations

- M1** Part 12ZA was inserted by section 2 of the [Employment Act 2002 \(c.22\)](#).
- M2** S.I. 1983/686. Article 14 was substituted, and articles 15 and 16 were amended, by S.I. 2001/1420.
- M3** Section 39B was inserted by section 55 of the [Welfare Reform and Pensions Act 1999 \(c.30\)](#).
- M4** Section 70 has been amended by S.I. 1994/2556 and S.I. 2002/1457.
- M5** 1992 c.4.
- M6** S.I. 2006/1003.
- M7** 2007 c.5.
- M8** S.I.2013/379
- M9** S.I. 2011/581.
- M10** S.I. 2003/237 amended by S.I. 2003/896.
- M11** S.S.I. 2009/210.
- M12** 1999 c.8.
- M13** 2003 c.1.
- M14** 1995 c.18.
- M15** 1994 c.39.
- M16** 1989 c.41.
- M17** 1995 c.36.
- M18** S.I. 1976/615.
- M19** 1952 c.52.
- M20** 1989 c.45.
- M21** 1983 c.20.
- M22** 2003 asp13.

- M23** 1995 c.46.
- M24** 1996 c.18.
- M25** 1948 c.29. Section 29 has been amended by section 1(2) of the National Assistance (Amendment) Act 1959 (c.30), section 113 and 114 of, and Schedule 4 to, the Mental Health (Scotland) Act 1960 (c.61), paragraph 2 of Schedule 23 to the Local Government Act 1972 (c.70), paragraph 3 of Schedule 3 to the Employment and Training Act 1973 (c.50), section 108(5) and (6) of, and paragraph 11 of Schedule 13 and paragraph 1 of Schedule 14 to, the Children Act 1989 (c.48), paragraph 6 of Schedule 15 to the National Health Service and Community Care Act 1990 (c.39) and section 147(2) of the Health and Social Care Act 2008 (c. 14).
- M26** 1994 c. 39. Section 2 has been amended by the Environment Act 1995 (c.25).
- M27** Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22).
- M28** 1992 c.52.
- M29** Section 39A was inserted by section 55(2) of the Welfare Reform and Pensions Act 1999 (c.30).

### The Benefit Unit

#### Couples

3.—(1) This regulation makes provision in relation to couples, including cases where both members of a couple may be entitled to universal credit jointly without each of them meeting all the basic conditions referred to in section 4 of the Act (see paragraph (2)) and cases where a person whose partner does not meet all the basic conditions [<sup>F4</sup>or is otherwise excluded from entitlement to universal credit] may make a claim as a single person (see paragraph (3)).

(2) A couple may be entitled to universal credit as joint claimants where—

- (a) one member does not meet the basic condition in section 4(1)(b) (under the qualifying age for state pension credit) if the other member does meet that condition; or
- (b) one member does not meet the basic condition in section 4(1)(d) (not receiving education) and is not excepted from that condition if the other member does meet that condition or is excepted from it.

(3) A person who is a member of a couple may make a claim as a single person if the other member of the couple—

- (a) does not meet the basic condition in section 4(1)(a) (at least 18 years old) and is not a person in respect of whom the minimum age specified in regulation 8 applies;
- (b) does not meet the basic condition in section 4(1)(c) (in Great Britain);
- (c) is a prisoner;<sup>F5</sup> . . .
- (d) is a person other than a prisoner in respect of whom entitlement does not arise by virtue of regulation 19 (restrictions on entitlement) [<sup>F6</sup>; or
- (e) is a person to whom section 115 of the Immigration and Asylum Act 1999 <sup>M30</sup> (exclusion from benefits) applies,]

and regulations 18 (capital limit), 36 (amount of elements) and 22 (deduction of income and work allowance) provide for the calculation of the award in such cases.

(4) Where two people are parties to a polygamous marriage, the fact that they are husband and wife is to be disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household,

and, accordingly, the person who is not a party to the earlier marriage may make a claim for universal credit as a single person.

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(5) In paragraph (4) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.

(6) Where the claimant is a member of a couple, and the other member is temporarily absent from the claimant's household, they cease to be treated as a couple if that absence is expected to exceed, or does exceed, 6 months.

#### Textual Amendments

- F4** Words in [reg. 3\(1\)](#) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [38\(2\)\(a\)](#)
- F5** Word in [reg. 3\(3\)\(c\)](#) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [38\(2\)\(b\)](#)
- F6** [Reg. 3\(3\)\(e\)](#) and preceding word inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), [38\(2\)\(b\)](#)

#### Marginal Citations

- M30** 1999 c.33.

### When a person is responsible for a child or qualifying young person

4.—(1) Whether a person is responsible for a child or qualifying young person for the purposes of Part 1 of the Act and these Regulations is determined as follows.

(2) A person is responsible for a child or qualifying young person who normally lives with them.

(3) But a person is not responsible for a qualifying young person if the two of them are living as a couple.

(4) Where a child or qualifying young person normally lives with two or more persons who are not a couple, only one of them is to be treated as responsible and that is the person who has the main responsibility.

(5) The persons mentioned in paragraph (4) may jointly nominate which of them has the main responsibility but the Secretary of State may determine that question—

- (a) in default of agreement; or
- (b) if a nomination or change of nomination does not, in the opinion of the Secretary of State, reflect the arrangements between those persons.

(6) [<sup>F7</sup>Subject to regulation 4A,] a child or qualifying young person is to be treated as not being the responsibility of any person during any period when the child or qualifying young person is—

- (a) looked after by a local authority; or
- (b) a prisoner,

<sup>F8</sup> . . .

(7) Where a child or qualifying young person is temporarily absent from a person's household the person ceases to be responsible for the child or qualifying young person if—

- (a) the absence is expected to exceed, or does exceed, 6 months; or
- (b) the absence is from Great Britain and is expected to exceed, or does exceed, one month unless it is in circumstances where an absence of a person for longer than one month

would be disregarded for the purposes of regulation 11(2) or (3) (medical treatment or convalescence or death of close relative etc.).

#### Textual Amendments

- F7** Words in reg. 4(6) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(3)(a)**
- F8** Words in reg. 4(6) omitted (29.7.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(3)(b)**

#### [<sup>F9</sup>Responsibility for children looked after by a local authority

**4A.**—(1) There is excluded from regulation 4(6)(a)—

- (a) any period which is in the nature of a planned short term break, or is one of a series of such breaks, for the purpose of providing respite for the person who normally cares for the child or qualifying young person;
- (b) any period during which the child or qualifying young person is placed with, or continues to live with, their parent or a person who has parental responsibility for them.

(2) For the purposes of this regulation, a person has parental responsibility if they are not a foster parent and—

- (a) in England and Wales, they have parental responsibility within the meaning of section 3 of the Children Act 1989 <sup>M31</sup>; or
- (b) in Scotland, they have any or all of the legal responsibilities or rights described in sections 1 or 2 of the Children (Scotland) Act 1995 <sup>M32</sup>.]

#### Textual Amendments

- F9** Reg. 4A inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **3(4)**

#### Marginal Citations

- M31** 1989 c.41.  
**M32** 1995 c.36.

#### Meaning of “qualifying young person”

**5.**—(1) A person who has reached the age of 16 but not the age of 20 is a qualifying young person for the purposes of Part 1 of the Act and these Regulations—

- (a) up to, but not including, the 1st September following their 16th birthday; and
- (b) up to, but not including, the 1st September following their 19th birthday, if they are enrolled on, or accepted for, approved training or a course of education—
  - (i) which is not a course of advanced education,
  - (ii) which is provided at a school or college or provided elsewhere but approved by the Secretary of State, and
  - (iii) where the average time spent during term time in receiving tuition, engaging in practical work or supervised study or taking examinations exceeds 12 hours per week.

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(2) Where the young person is aged 19, they must have started the education or training or been enrolled on or accepted for it before reaching that age.

(3) The education or training referred to in paragraph (1) does not include education or training provided by means of a contract of employment.

(4) “Approved training” means training in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973 <sup>M33</sup> or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 <sup>M34</sup> which is approved by the Secretary of State for the purposes of this regulation.

(5) A person who is receiving universal credit, an employment and support allowance or a jobseeker's allowance is not a qualifying young person.

**Marginal Citations**

**M33** 1973 c.50.

**M34** 1990 c.35.

*General*

**Rounding**

6.—(1) Where the calculation of an amount for the purposes of these Regulations results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.

(2) This regulation does not apply to the calculation in regulation 111 (daily rate for a reduction under section 26 or 27 of the Act).



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